

Members

Rep. Gary Cook, Chair  
Rep. Susan Crosby  
Rep. Ron Herrell  
Rep. William Friend  
Rep. Jack Lutz  
Rep. Michael Smith  
Sen. Harold Wheeler, Vice-Chair  
Sen. Johnny Nugent  
Sen. John Waterman  
Sen. James Lewis  
Sen. Katie Wolf  
Sen. Richard Young



## WATER RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-25

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** September 19, 2000  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** Governmental Center South, 302 W. Washington St., Conference Room 1-2  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

**Members Present:** Rep. Gary Cook, Chair; Representatives Susan Crosby, Ron Herrell, William Friend, Jack Lutz, and Michael Smith. Sen. Harold Wheeler, Vice-chair; Senators Johnny Nugent, John Waterman, James Lewis, Katie Wolf, and Richard Young.

**Call to Order.** Rep. Gary Cook, Chair of the Water Resources Study Committee, called the meeting to order. He asked representatives of the Indiana Department of Natural Resources (DNR) to provide an overview of the drought conditions in Indiana.

**Overview of Drought Conditions in Indiana.** Jim Hebenstreit, Assistant Director, Division of Water, DNR, introduced Tim Kroeker, Water Planner, and Sally Letsinger, Engineering Geologist, DNR, who provided an historical overview of drought conditions in Indiana. (See Exhibit 1.)

**Clean Water Indiana.** Christa Jones, Indiana Association of Soil and Water Conservation Districts, (IASWCD) presented a video which discussed soil erosion, water quality issues and some of the conservation practices SWCDs promote. The Clean Water Indiana Fund was created by the Indiana General Assembly in 1999. However, no dollars were placed in the fund. The Clean Water Indiana coalition, led by the IASWCD will request \$12 million for the Clean Water Indiana fund in the 2001-02 state budget.

According to Ms. Jones, Clean Water Indiana is a long-term solution for non-point source pollution of waters. It proposes to strengthen the conservation delivery system of Indiana's 92

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

soil and water conservation districts. Indiana SWCDs have a 60-year reputation for providing effective technical and financial assistance to private landowners. Indiana consists of 92 soil and water conservation districts. SWCD services are strictly voluntary, and focus on private lands. Ninety-seven percent of land in Indiana is privately owned. If concerned parties want to make an impact on non-point source pollution, they must focus on private land. SWCDs traditionally provide services to agricultural producers, teachers and other educators, and developers. With increased land use pressures, such as unprecedented growth in rural areas, SWCDs are looked upon to expand their services, while budgets remain the same. Demand for SWCD services will increase with the lessening of the Rule 5 threshold to 1 acre, imminent confined feeding regulations, and continued growth. SWCDs are poised to provide additional services, but require increased financial resources.

Clean Water Indiana components provide:

1. State match for local dollars invested in soil and water conservation districts.
2. Additional cost-share dollars to financially assist landowners in implementing conservation practices.
3. Technical assistance staffing (which has been eliminated from the current request because of the concern that state dollars would be used for staff).

According to Ms. Jones, Indiana lags behind all Midwestern states in state funding for soil and water conservation districts. She distributed a hand-out that outlined state funding to districts in Indiana as well as a comparison of funding in other states. (See Exhibit 2.)

The video emphasized that sediment is Indiana's biggest source of water pollution. Sediment is usually the result of soil erosion. Sheet and gully erosion are the most common types of erosion. Sheet erosion occurs when thin and uniform layers of soil are removed from the land surface by water run-off. Over a period of only a few years, the entire top soil layer can be eroded. When this erosion occurs, it is difficult to grow plants and the ability to produce food is lost. Gully erosion occurs on sloping land. The T-by-2000 program has significantly reduced erosion. Clean Water Indiana is a new initiative that is based on the T-by-2000 program. The goal of the program is to protect Indiana lakes and rivers. The program will be administered by the DNR Division of Soil Conservation.

Sediment comes from both farm land and urban areas. Soil conservation practices on farm land include filter strips, which are strips of grass along drainage ditches, streams, and lakes protect them from sediment. As run-off from farm fields run across these strips of grass, materials are trapped before entering the stream. Gully erosion is prevented by constructing grass water ways, which are shallow water bodies planted with erosion resistant grass. Water sediment control basins, which are a series of small dams built across the slope that temporarily store water run-off, also reduce erosion.

One of the most effective means of reducing erosion is conservation tillage which is any system used to prepare farm land for growing crops that reduces the number of tillage operations and thereby leave less bare soil directly exposed to rain fall.

With respect to urban erosion, silt fences are often used in urban construction areas to trap sediment or detention or retention ponds are constructed to hold the water.

**HB 1076.** Rep. Claire Leuck provided the committee with an overview of HB 1076 which directed the committee to study the need for revisions in the law on regulated drains and, when the Committee considers it appropriate, prepare legislation to make revisions in the law. Rep. Leuck discussed the work of the Lakes Management Workgroup which met 24 times. She also distributed a copy of a recommendation from the final report of the work group that pertained to increased sedimentation associated with legal drains. (See Exhibit 3.) Rep. Leuck was

interested in having the Indiana Drainage Handbook reviewed and updated.

Jim Ray, Chief, DNR Lake and River Enhancement program, provided an overview of the history of the drainage handbook. (See Exhibit 4.)

Travis Worl, Association of Indiana Counties, noted that some of the best management practices in the handbook are not acceptable to the Indiana Department of Environmental Management. His association was concerned about the legislation proposed in the last session that required that all practices identified in the handbook be considered best practices. Some of the management practices in the handbook are outdated and some permits have been denied by the Indiana Department of Environmental Management (IDEM) because a best management practice has been used. The handbook works pretty well. The group that composed the handbook should be the group that reviews and revises the handbook.

**Kent Ward, Hamilton County Surveyor**, addressed the committee. Surveyors are trying to adhere to the practices in the handbook. Some surveyors suggest that IDEM indicates that some of the practices are outdated. He asks that the work group be reconvened to discuss changes to the handbook and to make any necessary changes instead of having a state agency make the changes. The handbook has been helpful, but that it may need periodic review. The surveyors object to a annual review . Reviews should be conducted as needed. The best management practice that was objected to was the practice of putting a retention pond in the channel of the stream, which was acceptable when the handbook was published.

**Dr. Dennis Clark, Office of Water Management, IDEM**, explained that the Clean Water Act has been in effect since 1972. The Act prohibits anyone from using a stream or water of the U.S. as a treatment system for a pollutant. IDEM asks that the water be treated before it is released into the stream. IDEM would like an opportunity to review the handbook periodically so that the handbook can be modified if necessary. Off-stream detention basins are acceptable.

Sen. Wheeler noted that one of the biggest problems is the lack of communication. Rep. Cook agreed that lack of communication was a problem.

**David Small, County Surveyor, Hancock County**, indicated that his county has made some changes as a result of the handbook. He does not believe that the entire law pertaining to drainage needs to be reviewed each year. The association has tried to educate new members. The handbook has been in existence for four years. He did not think that enough time had elapsed to allow for a proper evaluation of the handbook. He would be cautious about making radical changes.

**Brian Daggy, Natural Resource Specialist, Indiana Farm Bureau**, indicated that he receives a lot of questions about drainage issues. He thinks that the drainage handbook can be improved. Citizens become frustrated when DNR, IDEM, the Army Corps of Engineers, and county surveyors do not agree. He supports a review of the handbook.

**Les Swarn, Sierra Club volunteer**, supported ongoing dialogue and review. He does not believe that all the activities performed by drainage board serve in a balanced and fair way the interests of the community. Second, projects could be financed through user based fees. Regulation is not always carried out in an efficient and coordinated way and sometimes communication to all parties involved is lacking.

**Dam Elevations for Ponds and Property Lines.** Sen. Wheeler explained that he had two cases in his district where property owners wanted to install a pond. The elevation of the dam to create the pond resulted in the overflow of water onto a neighbor's property. The neighbors had not option but to go to court. Litigating the issue would be expensive. Sen. Wheeler feels

strongly that there should be a law that requires that the elevation has to be back from the neighbor's property by a certain distance. He suggested that the committee consider this issue. The surveyor of Huntington County had given Sen. Wheeler an ordinance that Huntington County had passed which addresses the issue, and he would like for LSA to distribute the recommendations in the next meeting notice.

**Impaired Water Bodies in Indiana.** Sen. Waterman distributed a map listing all the impaired water bodies in Indiana. (See Exhibit 5) He suggested that Indiana is slow to act to protect and improve the water quality of its lakes, rivers, and streams.

**Next Meeting.** Rep. Cook stated that if members have recommendations, they should present them at the next meeting, which scheduled for Thursday, October 12, at 10:00 a.m. The meeting room is to be announced.

**Adjournment.** The meeting was adjourned at approximately 12:00 p.m.